



1       The parties were sent copies of the Recommendation and instructed that, pursuant to 28  
2 U.S.C. § 636(b), they had 10 days to file written objections to the Recommendation. *See also*,  
3 Federal Rule of Civil Procedure 72(b) (party objecting to the recommended disposition has ten  
4 (10) days to file specific, written objections). To date, no objections have been filed.

5       Pursuant to 28 U.S.C. § 636(b), this Court makes a *de novo* determination as to those  
6 portions of the Report and Recommendation to which there are objections. 28 U.S.C. §  
7 636(b)(1)(C) ("A judge of the court shall make a de novo determination of those portions of the  
8 report or specified proposed findings and recommendations to which objection is made.") To  
9 the extent that no objection has been made, arguments to the contrary have been waived.  
10 *McCall v. Andrus*, 628 F.2d 1185, 1187 (9<sup>th</sup> Cir. 1980) (failure to object to Magistrate's report  
11 waives right to do so on appeal); *see also*, Advisory Committee Notes to Fed. R. Civ. P. 72  
12 (citing *Campbell v. United States Dist. Court*, 501 F.2d 196, 206 (9<sup>th</sup> Cir. 1974) (when no  
13 timely objection is filed, the court need only satisfy itself that there is no clear error on the face  
14 of the record in order to accept the recommendation)).

15       The Court considers the Recommendation to be thorough and well-reasoned; it is neither  
16 clearly erroneous nor contrary to law. *United States v. Remsing*, 874 F.2d 614, 617-618 (9th  
17 Cir. 1989). The Recommendation shall therefore be accepted pursuant to 28 U.S.C. §  
18 636(b)(1). The Court adopts the recommendation of the Magistrate Judge. For the reasons  
19 stated in the Recommendation, the Court grants Defendant's Motion for Summary Judgment.

20       **Accordingly,**

21       **IT IS ORDERED** that the Report and Recommendation (document 27) is adopted as  
22 the opinion of the Court.

23       **IT IS FURTHER ORDERED** that the Motion for Summary Judgment(document 14)  
24 is GRANTED.

25       /////  
26       /////  
27       /////  
28

1           **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter Judgment  
2 accordingly.

3           DATED this 13<sup>th</sup> day of March, 2006.

4  
5  
6  
7             
8           David C. Bury  
9           United States District Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28